

# ROBIN L. HOOTER

CLERK OF COURT ♦ RAPIDES PARISH

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CITATION

NO. 258,250 E

TARRETTA MANNING  
VERSUS  
CIRCLE K STORES INC ET AL

|| NINTH JUDICIAL DISTRICT COURT  
|| PARISH OF RAPIDES  
|| STATE OF LOUISIANA

TO: CIRCLE K STORES INC  
THRU CORPORATION SERVICE CO 501 LOUISIANA AVE  
BATON ROUGE LA 00000  
EAST BATON ROUGE PARISH

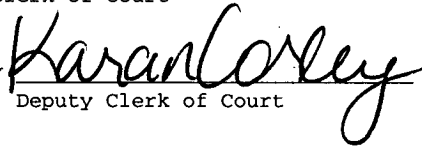
YOU ARE HEREBY SUMMONED TO COMPLY WITH THE DEMAND CONTAINED IN THE PLEADING(S) FILED IN THE ABOVE ENTITLED AND NUMBERED CAUSE, A DULY CERTIFIED COPY IS ATTACHED AND TO BE SERVED, OR FILE YOUR ANSWER OR OTHER PLEADINGS IN THE OFFICE OF THE CLERK OF THE NINTH JUDICIAL DISTRICT COURT, RAPIDES PARISH, CITY OF ALEXANDRIA, WITHIN FIFTEEN(15) DAYS AFTER SERVICE HEREOF. YOU MAY FILE YOUR WRITTEN ANSWER OR PLEADING IN PERSON OR BY MAIL. IF YOU FILE BY MAIL, THE PLEADING MUST BE RECEIVED BY THE 15TH DAY. YOUR FAILURE TO COMPLY WILL SUBJECT YOU TO THE PENALTY OF ENTRY OF DEFAULT JUDGMENT AGAINST YOU.

WITNESS THE HONORABLES, THE JUDGES OF SAID COURT, AT ALEXANDRIA, LOUISIANA,  
THIS 7TH DAY OF MARCH, 2017.

THE FOLLOWING PLEADINGS ARE ATTACHED FOR SERVICE: PETITION.

ROBIN L. HOOTER  
Clerk of Court

MATTHEW HEMMER  
909 POYDRAS STREET 20TH FLOOR  
NEW ORLEANS LA 70112-0000  
Filing Attorney

BY   
Deputy Clerk of Court

SHERIFF STAMP BELOW  
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9TH JUDICIAL DISTRICT COURT FOR THE PARISH OF RAPIDES

STATE OF LOUISIANA

NO. 258,250

TARRETTA MANNING

DIVISION "E"

VERSUS

CIRCLE K STORES INC., AND TRAVELERS CONSTITUTION  
STATE INSURANCE COMPANY

FILED: \_\_\_\_\_

DEPUTY CLERK

PETITION FOR DAMAGES

NOW INTO COURT, through undersigned counsel, comes Petitioner, Taretta Manning, person of the full age of majority and a resident of the State of Louisiana, who, with respect, shows the Court as follows:

I.

That Circle K Stores Inc., made a party defendant herein, is a foreign corporation organized under the laws of Texas with its principal place of business in Temple, Arizona. That Travelers Constitution State Insurance Company, made a party defendant herein, is a foreign insurance company licensed to do, and doing, business in the State of Louisiana at all relevant times herein. That said Defendants are liable, jointly and in solido, to Petitioner for the following:

II.

At all times relevant herein, Circle K Stores, Inc., has owned and controlled immovable property at 730 MacArthur Drive in the city of Alexandria and Parish of Rapides (the "premises") where it operated a convenience store open to the general public called Circle K.

III.

That on or about May 5, 2016, Petitioner, Taretta Manning, was at the premises to conduct ordinary business therein.

IV.

Unbeknownst to Ms. Manning, however, as she stepped towards the cash register she encountered a pool of clear liquid that was on the floor, causing her to fall.

V.

The liquid on the floor constituted an unreasonably dangerous hazard because it presented a non-obvious slipping hazard in an area frequently used by Circle K patrons.

VI.

Defendant knew or should have known about the liquid on the floor. They further knew or should have known that customer and guests would regularly encounter this liquid as they walked in the store. The pool was in the immediate vicinity of locations where Circle K employees were stationed, was in an area that was regularly cleaned and inspected by Circle K staff, and existed on the premises for an unreasonable amount of time. Petitioner, however, was unlikely to discover the hazard prior to her injury because the liquid blended with the floor surface and there were insufficient warnings made by store employees.

VII.

That the aforesaid accident occurred through no fault of Petitioner, Tarretta Manning, but solely through the fault of the Defendant in breaching its duty to (1) keep the premise of its establishment safe and free from defects and hazards such as presented by the liquid on the floor, (2) warn patrons of wet floors, and (3) failing to use due care under the circumstances. As such, Defendant is liable to Petitioner pursuant to LSA-CC Arts. 2317 and 2317.1, as well as La. R.S. 9:2800.6, and other applicable law.

VIII.

That as a result of the aforesaid injuries, Petitioner, Tarretta Manning, has sustained injuries to her body and mind including, without limitation, injuries to her left knee together with past and future mental anguish and physical suffering; past and future loss of wages; past and future loss of enjoyment of life; past and future expenses for medical care; disfigurement; and permanent impairment, all of which entitles Plaintiff, Tarretta Manning, to recover from Defendant the damages as are reasonable in the premises.

IX.

Petitioner shows that at all times mentioned hereinabove, there was in full force and effect a policy of insurance issued by Defendant, Travelers Constitution State Insurance Company, under the terms and conditions of which it agreed to insure and indemnify Defendant, Circle K Stores, Inc., from the type of liability asserted herein.

X.

Petitioner shows that this case involves damages in excess of \$75,000, exclusive of interest and costs.

WHEREFORE, Petitioner, Taretta Manning, prays, that Defendants, Circle K Stores Inc., and Travelers Constitution State Insurance Company, be served with a certified copy of this petition, and after being duly cited to appear and answer hereto, and after the expiration of all legal delays and due proceedings are had, that there be judgment rendered herein in favor of Petitioner, Taretta Manning, and against Defendants, Circle K Stores, Inc., and Travelers Constitution State Insurance Company, for damages as are reasonable in the premises, said judgment to bear legal interest from the date of judicial demand until paid and for all costs of these proceedings.

**SERVICE INFORMATION ON  
THE FOLLOWING PAGE**

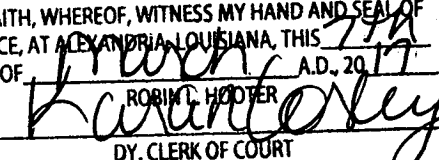
RESPECTFULLY SUBMITTED:  
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601 POYDRAS STREET, 24TH FLOOR  
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BY: 

MATTHEW D. HEMMER, NO. LA34300  
CONSTANCE COLLEY, NO. LA36416

FILED & RECORDED  
ROBERT L. HOOPER  
CLERK OF COURT  
2017 MAR -3 PM 3:35  
CLERK & RECORDER  
RAPIDES PARISH LA

MORRIS BART, L.L.C.  
ATTORNEYS AT LAW  
AMERICAN LIFE CENTER  
601 POYDRAS STREET  
24TH FLOOR  
NEW ORLEANS, LA  
70130

STATE OF LOUISIANA, PARISH OF RAPIDES  
I HEREBY CERTIFY THAT THE ABOVE AND FOREGOING IS  
A TRUE AND CORRECT COPY OF THE ORIGINAL ON FILE  
AND OF RECORD IN THIS OFFICE.  
IN FAITH, WHEREOF, WITNESS MY HAND AND SEAL OF  
OFFICE, AT ALEXANDRIA, LOUISIANA, THIS 7TH  
DAY OF March, A.D., 2017.  
BY  ROBERT L. HOOPER  
CLERK OF COURT

**Please Serve:**

**Circle K Stores Inc.**

Through its registered agent:  
Corporation Service Company  
501 Louisiana Avenue  
Baton Rouge, LA 70802

**Travelers Constitution State Insurance Company**

Through its registered agent:  
Louisiana Secretary of State  
8585 Archives Avenue  
Baton Rouge, Louisiana 70809